

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-CR-010-JHP
)	
ERIC NELSON BERTRAM,)	
)	
Defendant.)	

ORDER AND OPINION

Before the Court is Defendant Eric Nelson Bertram's Motion to Vacate Verdict and Conviction [Docket No. 150] and the Government's Response in Opposition [Docket No. 151].

DISCUSSION

On October 3, 2007, a jury found Bertram guilty of violating 18 U.S.C. §§ 922(g)(1) and 924(a)(2) [Docket No. 120]. The jury was discharged that same day [Docket No. 118]. Bertram filed the instant motion on November 1, 2007. The motion asks this Court to "vacate the jury verdict and conviction". (Mot. at 1.) While the motion does not specify which rule of criminal procedure it is brought pursuant to, the Court construes it as a motion for judgment of acquittal pursuant to Rule 29(c) of the Federal Rules of Criminal Procedure. Under Rule 29(c)(1), a motion for judgment of acquittal must be filed within 7 days of the guilty verdict or discharge of the jury, whichever is later. Here, the guilty verdict was entered and the jury was discharged on October 3, 2007. Therefore, the motion is untimely and must be denied. *See United States v. Stevens*, 978 F.2d 565, 569 (10th Cir.1992).

CONCLUSION

For the reasons set forth herein, the motion is DENIED.

IT IS SO ORDERED this 8th day of November, 2007.


James H. Payne
United States District Judge
Eastern District of Oklahoma